

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

- against -

KEITH BERMAN,
DECISION DIAGNOSTICS CORP.

Defendants.

NOTICE OF MOTION

ECF Case

No. 20 Civ. 10658 (LAP)

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PLEASE TAKE NOTICE that upon the complaint in the above-captioned action; the indictment in the criminal case captioned *United States v. Keith Berman*, 20-cr-00278-TNM (D.D.C.) (the “Criminal Case”); and the accompanying memorandum of law, the United States of America, by and through its attorney, Daniel S. Kahn, the Acting Chief of the Fraud Section, Criminal Division, of the United States Department of Justice, Christopher Fenton, Trial Attorney, and Justin Weitz, Principal Deputy Chief, its counsel, will move this Court for an order: (i) to intervene in the above-captioned case, pursuant to Rule 24 of the Federal Rules of Civil Procedure, and (ii) to stay all discovery in the above-captioned action until the conclusion of the Criminal Case.

Dated: New York, New York
March 1, 2021

Respectfully submitted,

DANIEL S. KAHN
Acting Chief, Fraud Section
Criminal Division

By: /s/
CHRISTOPHER FENTON
Trial Attorney
JUSTIN WEITZ
Principal Deputy Chief
United States Department of Justice